

Application No.: 10/025,681**Atty Docket: OIN 1009-1****REMARKS**

Claims 1-24 are pending in this application. It is noted with appreciation that the previous rejections under § 103(a) were withdrawn in response to Applicants' appeal brief and that new grounds of rejection were stated without any reliance on the art previously cited. We believe the statement that the arguments were fully considered but not [sic] persuasive must be an artefact of cutting and pasting from a form, given the circumstances.

In this paper, we amend claims 1, 8, 11, 15-24. None of the amendments relate to any prior art reference.

Objection to Claims 15-16 and 23-24

The Examiner objects to claims 15-16 and 23-24 on the grounds of informalities, that the claims recite "said paths specifications" rather than "said path specifications". The Examiner's suggested amendment is appreciated and has been adopted. This amendment does not narrow the scope of the claim and is not responsive to assertion of any art reference.

Applicants respectfully submit that the rejection of claims 15-16 and 23-24 under § 101 should be withdrawn in view of the amendments.

Rejection Under 35 U.S.C. § 101 of Claims 1-22

The Examiner rejects claims 1-22 under 35 U.S.C. § 101 as directed to non-statutory subject matter.

Claims 1 & 8

The Examiner argues that claims 1 & 8 do not include the step of returning search results and therefore do not constitute a tangible result, so as to realize the usefulness of a search. OA at 3.

Returning search results is not necessary for a software component to produce a useful, concrete and tangible result. Take for instance the Examiner's own reference, Deja Power Search Graphical User Interface Form, downloaded from 222.exit109.com/~jeremy/news/deja.html (20 pp.) ("Deja GUI"). Jeremy Nixon wrote an HTML document that was interpreted by browsers as an improved GUI for the Deja search engine. Nixon's Deja GUI elicited and organized user input in a helpful format. It did not perform a search. Still, the Examiner would have to agree that organizing a

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user's desired search into a format compatible with the Deja search engine was useful, because it simplified searching. It was concrete, because graphically organized input was reorganized into a useable query string that was very difficult for a user to construct by hand. It was tangible, because organized data in memory or a data stream resulted. It follows that returning search results is not a necessary for a search-related invention to be statutory subject matter.

There being no contrary law or suggestion of record from any legal source, claims 1 and 8 should not be rejected under § 101.

Claim 15

The Examiner argues that **claim 15**, although tangible, provides no useful, concrete and tangible result. He argues, "[D]ata is merely moved from point A to point B. There is no transformation ..." OA at 3. But that's not true, any more so for claim 15 than for Jeremy Nixon's Deja GUI. One of skill in the art would understand that the GUI transforms user selections of a document type selection filter, a document field selection filter and a value specification field into non-displaying path specifications and value specification fields before the data is transmitted to the server. That is a data transformation.

Therefore, claim 15 should not be rejected under § 101.

Claim 16

The Examiner argues that **claim 16**, although tangible, merely claims non-functional descriptive filters, if "filters" are interpreted as merely fields for data entry. Responding to the argument's premise, it is improper to interpret filters that are context sensitive to previously data as mere data entry fields, because one of ordinary skill in the art would understand that a blank for data entry is not properly described as a second selection filter, context sensitive to first selection filter. Type and value selection filters are necessarily functional for data entry. They are not decorative or non-functional.

Therefore, claim 16 should not be rejected under § 101.

Claims 2-7, 9-14 and 17-22

The Examiner rejects **claims 2-7, 9-14 and 17-22** as depending from rejected claims, without discussion of whether they add tangible, useful or functional elements to the independent claims. Procedurally, the rejection is incomplete because limitations

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added in dependent claims need to be taken into account for this type of rejection (in contrast to a § 112 rejection, for instance.) The Examiner has not made out a *prima facie* case. Moreover, the claims from which these depend are shown above to satisfy § 101.

Therefore, claims 2-7, 9-14 and 17-22 should not be rejected under § 101.

Applicants respectfully submit that the rejection of claims 1-22 under § 101 should be withdrawn.

Rejection Under 35 U.S.C. § 112 of Claims 5-7, 12-14 and 20-22

The Examiner rejects claims 5-7, 12-14 and 20-22 under 35 U.S.C. § 112 as failing to comply with the enablement requirement, in particular, for failing to explain how to implement a GUI as a character string. Simply put, an XML or HTML document is a character string. Jeremy Nixon's Deja GUI is an example of a character string.

Therefore, claims 5-7, 12-14 and 20-22 should not be rejected under § 112.

Rejection Under 35 U.S.C. § 112 of Claims 1-24

The Examiner rejects claims 1-24 under 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter.

Claims 1, 8, 15, 16, 23 and 24

The Examiner argues that claims 1, 8, 15, 16, 23 and 24 lack antecedent basis for "document fields". Claim 1, for instance, includes the limitations:

a document type selection filter;

one or more document field selection filters, context sensitive to a selected document type;

one or more value specification fields, context sensitive to the document fields;

Applicants have amended "the document fields" to "respective document fields", thereby eliminating the definite article that the Examiner finds objectionable. This amendment does not narrow (and arguably broadens) the scope of the claim and is not responsive to assertion of any art reference.

Therefore, claims 1, 8, 15, 16, 23 and 24 should not be rejected under § 112.

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The Examiner argues that **claims 2-7, 9-14 and 17-22** depend from rejected independent claims. Because the grounds for rejection of the independent claims have been overcome, dependent claims 2-7, 9-14 and 17-22 should not be rejected under § 112.

Claims 17-22

The Examiner argues that **claims 17-22** recite dependence from a method, but actually depend from a graphical user interface device. The Examiner's suggested amendment is appreciated and has been adopted, to correct a clear typographical error. This amendment does not narrow the scope of the claim and is not responsive to assertion of any art reference.

Therefore, claims 17-22 should not be rejected under § 112.

Claims 5-7, 12-14 and 20-22

The Examiner argues that **claims 5-7, 12-14 and 20-22** are unclear about how a mere character string can represent a document type selection filter, field selection filter, specification fields and hidden fields. Again, an XML or HTML document is a character string. Jeremy Nixon's Deja GUI is an example of a character string. A web browser interprets the character string and displays what the user sees.

Therefore, claims 5-7, 12-14 and 20-22 should not be rejected under § 112.

Claims 4, 11 and 19

The Examiner argues that **claims 4, 11 and 19** recite the same limitations as claims 3, 10 and 18 and do not appear to further limit the claims from which they depend. The dependencies of these claims have been corrected.

Therefore, claims 4, 11 and 19 should not be rejected under § 112.

Applicants respectfully submit that the rejection of claims 1-24 under § 112 should be withdrawn.

Rejection Under 35 U.S.C. § 103(a) of Claims 1-4, 8-11, 15-19 and 23-24

The Examiner rejects **claims 1-4, 8-11, 15-19 and 23-24** under 35 U.S.C. § 103(a) as unpatentable over Deja Power Search Graphical User Interface Form, downloaded from 222.exit109.com/~jeremy/news/deja.html (20 pp.) in view of Altinel et

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al., "Efficient Filtering of XML Documents for Selective Dissemination of Information, in Proceedings of the VLDB Conference, Cairo, Egypt, Sept. 10-14, 2000, pp. 53-64.

Claim 1

Claim 1 is a method claim that includes the limitations:

providing a graphical user interface including

a document type selection filter;

one or more document field selection filters, context sensitive to a selected document type;

one or more value specification fields, context sensitive to ~~the~~ respective document fields; and

as non-displaying fields, one or more path specifications corresponding to the document fields and to the value specification fields, said path specifications identifying nodes to be tested against completed value specifications;

receiving the selected document type and the completed value specifications and the corresponding path specifications; and

searching a subset of the self-describing, structured documents based on the completed value specifications and the corresponding path specifications, the subset including documents of the selected document type.

These limitations are not found in Deja GUI in view of Altinel.

Regarding the first reference the Examiner cites, we looked at the source code for Jeremy Nixon's Deja GUI, which we attach to this response. The 20 pages of screen shots may be ambiguous, but the source code is not. The source code reveals that the selection filters operate entirely independently. None of the selection filters are context sensitive to values selected in other filters.

The Examiner interprets the screen shots of Deja GUI as implicitly utilized during a document search "in the context of each other". First, the Examiner's words do not match the claim limitations. The claim calls for elements of the GUI to be context sensitive, not the operation of the search engine. Second, Jeremy Nixon's Dega GUI source code, currently available at the URL provided by the Examiner, conclusively demonstrates that neither his selection filters nor his value specification fields are context sensitive. The "Archive", "Language", and "Results type" selection filters appear in lines 121-169 of the attached source code. Each of these selection filters operates completely independently of the others. No matter what "Archive" the user selects (OA

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at 8, equating archive to document type), the same choices appear for "Language" and "Results type". The "Subject" and "Newsgroup" input areas are implemented in lines 75 and 91 of the source code. They are implemented as `<input type=text ...>` HTML elements, which correspond to a value specification field in this claim. One of skill in the art will understand that an HTML `<input type=text ...>` element, by itself, is not a context sensitive value specification field. There is no sense in which the Deja GUI implements context sensitive selection filters or context sensitive value specification fields. Because Deja GUI does not supply the claim elements for which the Examiner relies on it, claim 1 should be allowable.

Regarding the second reference the Examiner cites, Altinel teaches nothing about the operation of GUIs, only the efficient organization of a filter for XML documents being added to a database. Nonetheless, the Examiner argues that the *as non-displaying fields* sub-element of *providing a graphical user interface* is addressed by Altinel. OA at 8-9.

Altinel does not meet either the *non-displaying fields* sub-element of *providing a graphical user interface* or the *receiving the selected* element. The Examiner relies on Altinel p. 53 last paragraph and p. 55 ¶¶ 1-2 (OA at 9) to meet these elements, having acknowledged that these elements are lacking from the Deja GUI. *Id.* Before addressing those specific paragraphs, we point out that the only reference to a graphical user interface (GUI) in Altinel appears on page 54 § 2.1, in the context of describing how users fill in profiles from which filters are created ("standing queries ... applied to all incoming documents"). There is no suggestion that the GUI in Altinel § 2.1 meets the claimed elements, because it does not.

Turning to p. 53, last paragraph, this paragraph describes part of a filtering engine applied to documents being added to a database. It does not address any element of the claim, because it does not discuss a GUI or a search engine. Regarding p. 55, ¶¶ 1-2 and more generally § 2.2, these paragraphs only show an XPath expression for describing a filter. This part of Altinel does not go much beyond the disclosure of this application. Applicants have not claimed XPath expressions as their invention. The dependent claims that combine XPath with claim 1 refer to *path specifications are compliant with any version of an XPath standard*. Citation of Altinel is unavailing because it does not supply any element of the claim.

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The Examiner's references to use of XPath in searching and XML documents generally as being "well known" are confusing and hereby challenged. *E.g.*, OA at 9, 10, 12, 15, 18, 21 & 24 (XPath) & 9, 10, 12, 15, 18, 21, 24 & 27 (XML). It is unclear what the Examiner considers to be well known, given that the Examiner is mixing reference to things as being well-known and to Altinel's description of filtering technology, which does not discuss either GUIs or search engines. We do not dispute that XML and XPath are standardized languages — we say as much in the dependent claims. But combination of these technologies with the features claimed is not disclosed in Altinel and is not described in Altinel as being well-known. Accordingly, under MPEP § 2144.03, Applicants respectfully request an examiner's declaration or affidavit in support of any proposed fact beyond the acknowledged standardization of the XML and XPath languages.

The proposed motivation to combine references is troubling because neither of references supply the elements of claim 1, so it is difficult to imagine how Altinel would motivate Jeremy Nixon (or anyone else) to rewrite the Deja GUI. Our appeal brief, pp. 3-4 & 9-10, which we hereby incorporate by reference, sets forth the standard for the Examiner to meet. The standard is not met because the Examiner is using hindsight and the claim as a roadmap for combining the references. Jeremy Nixon and those of ordinary skill in the art would not be inspired to consult Altinel for creative ideas on how to write a GUI for a search engine — Altinel presents a filtering system, not a search engine!! It would take an inventive step to combine Deja GUI and Altinel, because they are so divergent. The Examiner's reasoning is that combining the references "would have enabled a programmer to develop a document filtering system that provided highly efficient matching of XML documents to large numbers of user profiles, as taught by Altinel in the last paragraph of page 53 ('We have developed....')." This motivation does not lead to a combination that would read on the elements of claim 1. The only source for combining these references to read on claim 1 is using hindsight with claim 1 as a roadmap, which is not a permitted basis for asserting § 103(a).

Because the references lack the elements of the claim, cannot be combined to create elements that both references lack, and can only be combined by inventive effort, claim 1 should be allowable over Deja GUI in view of Altinel. Because the examination

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has already involved multiple searches, claim 1 should now be allowable without further delay.

Claims 2-4

Claims 2 & 4 include limitations that require compliance of path specifications received from a GUI interface with an XPath standard. The Examiner's efforts to combine Deja GUI with Altinel fail for the reasons stated above. There is no basis for engrafting XPath onto Deja GUI – Jeremy Nixon's simple GUI has none of the intelligence or sophistication that would be involved, as apparent from even a quick look at the attached HTML source code.

Claim 3 limits the documents being searched to XML-compliant documents. As neither of the references describes a search engine applied to XML-compliant documents, the Examiner has not made out a *prima facie* case of obviousness. These limitations are not found in Deja GUI in view of Altinel.

Therefore, claims 2-4 should be allowable over Deja GUI in view of Altinel.

Claim 8

Claim 8 includes many of the GUI-related limitations of claim 1 and should be allowable because those limitations are not met by the references, for the reasons stated above.

Claim 8 puts the burden of translating document types and similar information into XPath specifications on a receiving device, instead of the GUI. The cited references do not include the claimed elements, so this alternative allocation of tasks between the GUI and the device is not met by the combination, for the reasons stated above.

Therefore, claim 8 should be allowable over Deja GUI in view of Altinel.

Claims 9-11

Claims 9-11 include limitations similar to claims 2-4 and should be allowed for the same reasons as those claims.

Claim 15

Claim 15 includes limitations similar to claim 1, cast from the perspective of what happens on the user's workstation instead of on the server. It recasts the GUI-related limitations of claim 1 and should be allowable because those limitations are not met by

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the references, for the reasons stated above. Therefore, claim 15 should be allowable over Deja GUI in view of Altinel.

Claim 16

Claim 15 includes limitations similar to claim 1, cast as a device instead of a method. The GUI-related limitations of claim 1 are presented as a GUI device and should be allowable because those limitations are not met by the references, for the reasons stated above. Therefore, claim 16 should be allowable over Deja GUI in view of Altinel.

Claims 17-19

Claims 17-19 include limitations similar to claims 2-4 and should be allowed for the same reasons as those claims.

Claims 23-24

Claims 23-24 prepend database preparation steps to the graphical user interface steps of claim 1. These claims adds a pair of database loading and indexing steps before the GUI step, instead of adding post-GUI steps. The loading and indexing steps relate to the GUI steps in that the nodes and indexes to be searched are created. Claims 23-24 should be allowable over Deja GUI in view of Altinel because the GUI-related limitations are not met by the references, for the reasons stated above.

Applicants respectfully submit that claims 1-4, 8-11, 15-19 and 23-24 should be allowable over Deja GUI in view of Altinel.

Rejection Under 35 U.S.C. § 103(a) of Claims 5-7, 12-14 and 20-22

The Examiner rejects **claims 5-7, 12-14 and 20-22** under 35 U.S.C. § 103(a) as unpatentable over Deja GUI in view of Altinel in further view of Adar et al. (US Patent No. 6,493,702).

Claim 5

Claim 5 includes the limitations:

The method of claim 1, wherein the graphical user interface is a character string compliant with any version of an HTML standard.

These limitations are not found in Deja GUI in view of Altinel in further view of Adar.

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In the context of § 112 rejections, the Examiner professed not to understand the meaning of these limitations. OA at 4 § 10, 5-6 § 12. We explained above that an HTML document is a character string.

The Examiner says that Deja GUI does not explicitly state that the GUI is implemented in HTML. Applicants disagree and have attached the HTML code for Deja GUI to this response. All that the Examiner uses Adar for is implementation of a GUI in HTML, which should not be an issue in light of the attached HTML code.

Claim 5 should be allowable over Deja GUI in view of Altinel in further view of Adar for at least the same reasons as claim 1, from which it depends.

Claims 6-7, 12-14 and 20-22

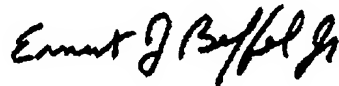
Claims 6-7, 12-14 and 20-22 include limitations similar to claim 5 and should be allowable for at least the same reasons as the claims from which they depend.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 to 5:30 PST, M-F and can be reached at his cell phone (415) 902-6112 most other times.

Respectfully submitted,



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```
1 <!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
2 <html>
3 <head>
4   <title>Deja Power Search</title>
5   <meta name="description" content="Alternate front-end to the Deja.com Power Search">
6   <meta name="keywords" content="deja, dejanews, power search, usenet, search,
7     newsgroup, usenet search, newsgroup search, deja.com, archive">
8   <meta name="author" content="Jeremy Nixon - jeremy@exit109.com">
9   <style type="text/css">
10    A:link { color: #0000ff }
11    A:visited { color: #551a8b }
12    A:filter { color: #0000ff; text-decoration: none }
13    A:filter:visited { color: #0000ff }
14    A:del { color: #e40000; text-decoration: none }
15    A:del:visited { color: #e40000 }
16    A:foot { color: #000033; text-decoration: none }
17    P.note { margin: 0.25em 25% 0.4em 1% }
18    /* P.note { margin-top: 0.25em; margin-bottom: 0.25em; margin-right: 25% } */
19    P.oldnote { font-size: smaller; margin: 0.25em 25% 0.25em 1% }
20  </style>
21  <script language="JavaScript1.1" src="dejasearch.js"></script>
22 </head>
23
24 <body bgcolor="#bdbdbd" link="#0000ff" vlink="#551a8b" alink="#ff0000"
25   text="#000000" onLoad="startup_stuff()">
26
27 <center>
28 <table width="60%" cellpadding=2 cellspacing=0 border=0 bgcolor="#d0c6c6">
29 <tr><td align=center><big>Deja Power Search</big></td>
30 </tr></table>
31 </center>
32
33 <center>
34 <p>An alternate interface to the <a href="http://www.deja.com/"
35   title="Deja Home Page">Deja.com</a> Usenet Power Search.</p>
36 </center>
37
38 <form name="ds" action="http://www.deja.com/qs.xp" method=get>
39 <input type=hidden name="ST" value="PS">
40 <input type=hidden name="svcclass" value="dnyr">
41 <input type=hidden name="firstsearch" value="yes">
42
43 <table width="50%" cellpadding=1 cellspacing=0 border=0 bgcolor="#d0c6c6">
44 <tr><td><b>Keywords</b></td></tr>
45 </table>
46
47 <table width="100%" cellpadding=2 cellspacing=0 border=0 bgcolor="#c5c5c5">
48 <tr><td><input type="text" name="QRY" size="50" tabindex=1>
49 </td></tr>
50 <tr><td>
51 <input type="submit" value="Search">&nbsp;  
52 <small>
53   <script language="Javascript1.1" type="text/javascript">
54     query_clear_link();
55     offer_help();
56   </script>
57 </noscript>
58   For help see <a href="http://www.deja.com/help/help_lang.shtml"
59     title="Search Language Help">Deja's Search Language Help</a>.
60 </noscript>
61 </small>
62 </td></tr>
63 </table>
64
65 <br>
66 <table width="50%" cellpadding=1 cellspacing=0 border=0 bgcolor="#d0c6c6">
67 <tr><td><b>Limit Search</b></td></tr>
68 </table>
69
70 <table width="100%" cellpadding=1 cellspacing=0 border=0 bgcolor="#c5c5c5">
```

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```

71
72 <tr><td align=right>
73 Subject:
74 </td><td>
75 <input type=text name=subjects size=38 tabindex=2>
76 </td>
77 <td width="100%" align=left rowspan=4 valign="top">
78 <small>
79
80 <script language="Javascript1.1" type="text/javascript">
81   write_menu();
82 </script>
83 <noscript>&nbsp;&nbsp;&</noscript>
84
85 </small>
86 </td></tr>
87
88 <tr><td align=right>
89 Newsgroup:
90 </td><td>
91 <input type=text name=groups size=38 tabindex=3>
92 </td>
93
94 <tr><td align=right>
95 From:
96 </td><td>
97 <input type=text name=authors size=38 tabindex=4>
98 </td>
99
100 <tr><td align=right>
101 Dates:
102 </td><td>
103 &nbsp;&nbsp;& From <input type=text name=fromdate size=12 tabindex=5>
104 To <input type=text name=todate size=12 tabindex=6>
105 </td>
106
107 <tr><td colspan=3 bgcolor="#bdbdbd" height=2> </td></tr>
108 </table>
109
110 <table width="100%" cellpadding=2 cellspacing=0 border=0 bgcolor="#c5c5c5">
111
112 <tr><td width="33%">
113 Match
114 <select name="defaultOp" size=1>
115   <option value="AND" selected>all
116   <option value="OR">any
117 </select>
118 keywords
119 </td>
120
121 <td width="33%">
122 Archive:
123 <select name="DBS" size=1>
124   <option value=1 selected>complete
125   <option value=2>standard
126   <option value=3>adult
127   <option value=4>jobs
128   <option value=5>for sale
129 </select>
130 </td>
131
132 <td width="34%">
133 &nbsp;&nbsp;&
134 </td></tr>
135
136 <tr><td width="33%">
137 Language:
138 <select name="LNG" size=1>
139   <option value=ALL selected>any
140   <option value=chinese>Chinese
141   <option value=danish>Danish

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142 <option value=dutch>Dutch
143 <option value=english>English
144 <option value=finnish>Finnish
145 <option value=french>French
146 <option value=german>German
147 <option value=hungarian>Hungarian
148 <option value=italian>Italian
149 <option value=japanese>Japanese
150 <option value=korean>Korean
151 <option value=norwegian>Norwegian
152 <option value=portuguese>Portuguese
153 <option value=polish>Polish
154 <option value=russian>Russian
155 <option value=spanish>Spanish
156 <option value=swedish>Swedish
157 <option value=vietnamese>Vietnamese
158 </select>
159 </td>
160
161 <td width="33%">
162 Results type:
163 <select name="OP">
164 <option value="CLASSIC" selected>Deja Classic
165 <option value="dnquery.xp">discussions
166 <option value="ratesearch.xp">ratings
167 <option value="commsearch.xp">communities
168 </select>
169 </td>
170
171 <td width="34%">
172 <!-- Database:
173 <select name="$vcclass" size=1>
174 <option value="dnserver" selected>Full
175 <option value="dncurrent">Current
176 <option value="dnold">Old
177 </select>
178 -->
179 &nbsp;  </td>
180 </tr>
181
182 </table>
183
184 <br>
185 <table width="50%" cellpadding=1 cellspacing=0 border=0 bgcolor="#d0c6c6">
186 <tr><td><b>Organize Results</b></td></tr>
187 </table>
188
189 <table width="100%" cellpadding=2 cellspacing=0 border=0 bgcolor="#c5c5c5">
190
191 <tr><td>
192 Sort by <select name="showsort" size=1>
193 <option value="date" selected>date
194 <option value="score">confidence
195 <option value="subject">subject
196 <option value="newsgroup">newsgroup
197 <option value="author">author
198 </select>
199 </td>
200
201 <td>
202 Results per page <select name="maxhits" size=1>
203 <option value="25">25
204 <option value="50">50
205 <option value="100" selected>100
206 </select>
207 </td>
208
209 <td>
210 Results format <select name="format" size=1>
211 <option value="delta">list
212 <option value="terse" selected>tabular

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[illegible]

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